The Mysore Gazette.

No. 23 PUBLISHED BY AUTHORITY. **of 1887.**

BANGALORE, SATURDAY, JUNE 11, 1887.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

CONTENTS.

PART I.—Notifications by the Dewan to His Highness the Maharaja of Mysore.

PART II.—Notifications by the Government of India. Resident in Mysore. Chief Judge; Survey and Inam Superintendent; Comptroller; Superintending Engr.; Mysore State Railway; Amrut Mahal Department; Inspector General of Registration; Senior Surgeon; Anche Bakshi; District and Sessions Judges; Sub-Judges; Deputy Commissioners of Districts; Forest Officers; President, Bangalore City Municipality. Season Reports; Mortuary and Meteorological Statements; Postal Notices. Civil and Military Station Notifications, &c.

PART III.—Acts and Regulations passed by His Highness the Maharaja of Mysore. Nil.

PART IV.—Official Papers.—Abstract of Season or Intermediate Reports, &c.

PART I.

Notifications by the Dewan to His Highness the Maharaja of Mysore.

GENERAL.

NOTIFICATIONS.

The 27th May 1887.

No. 28.—Under the provisions of Section 6 of the Land Acquisition Act X of 1870, it is hereby declared that the land described in the Schedule annexed is needed for a public purpose, that is for excavating earth for the Kadaba tank bund.

Taluk.	Village.	Name of Holder.	Description.	Number.	Area required.	Assessment.	Boundaries.
Gubbi.	Kadaba.	Narayanasamaiengar, (Garudachar, occupant.)	Garden.	54	A. G. Yds. 0 1 119	Rs. A. P. 0 4 0	*East.*—Ravine. *West.*—Gardens No. 52 and part of No. 54. *North.*—Tank bund. *South.*—Part of No. 54 and garden No. 55.

295

The 23rd May 188.

No. 30.—It is hereby notified for public information that the undermentioned kayamgutta village, which has been duly attached in satisfaction of the arrears of revenue due to Government (as shown in the subjoined statement) by the said kayamguttadars, will be sold by public auction at the place and on the date mentioned in the annexed statement. The sale will commence at 11 A. M. on the date specified, and the village will be knocked down to the highest bidder without reserve.

2. Provided that when a village is divided into separate recognized vrittis, the Sub-Division Officer may at his option, instead of selling the village as a whole, sell each vritti separately.

3. The purchaser will be required to deposit 25 per cent of the purchase money at the time of sale, and where the remainder of the purchase money may not be paid within fifteen days from the day of sale, the money so deposited shall be liable to forfeiture.

4. When such deposit shall not be made nor the remaining purchase money paid up, the lands shall be resold at the expense and risk of the first purchaser.

5. Persons bidding at the sale may be required to state whether they bid on their own account or as agents, and in the latter case to deposit a written authority signed by their principals, otherwise their bids may be rejected.

6. The sale shall be stayed, if the defaulter or any other person acting on his behalf or claiming an interest in the land, tenders the full amount of the arrears of revenue with the interest and other charges, provided such tender be made before sunset on the day previous to that appointed for the sale.

7. The sale of the property will not become absolute until the sale has been confirmed by the Dewan.

8. Purchasers having completed the payment of the purchase money will, as soon as the sale has been confirmed by the Dewan, be placed in immediate possession and the village will be registered in the name of the purchaser, and a certificate of sale signed and sealed by the Sub-Division Officer will be granted to him. It is to be distinctly understood that the Government are not responsible for errors of description and in estimated extent.

9. Provided parties deeming themselves aggrieved by the sale shall be at liberty to appeal to the Dewan within 30 days from the day of sale, and the purchase shall be conditional on the final order in such appeal.

District.	Taluk.	Hobli.	Village.	Names of Kayamguttadars.	Estimated Extent.			Estimated Gross Rental or Peris.			Quit-Rent payable annually to Government.			Arrears of Government Revenue for which Village is to be sold.			Date of sale, &c.
					A.	G.	Y.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
Mysore.	Seringapatam.	Settihalli.	Mundagadari...	Kusanmachari & 2 others.	264	3	39½	1621	7	4	1056	9	10	789 and interest up to date of sale.	14	9	4th July next at the Taluk Cutcherry before the Amildar.

296

The 27th May 1887.

No. 31.—In republishing for general information and guidance the following Despatch from the Secretary of State for India dated the 19th July 1883, No. 73 (Public), His Highness the Maharaja's Government hereby exempt all public servants below the grade of Munsiffs and Deputy Amildars from the operation of the Rule contained in the late Chief Commissioner's Notification No. 177, dated 21st September 1874, prohibiting public servants holding shares in joint stock and other companies whose operations may be carried on in the Districts in which such public servants may be employed.

From A. Mackenzie, Esq., C. S., Secretary to the Government of India, Home Department, (Public),
To the Chief Secretary to the Government of Madras, dated Simla, 6th September 1883,
No. 37—1211.

I am directed to forward, for information and guidance, a copy of the correspondence, marginally noted, with Her Majesty's Secretary of State for India on the subject of the connection of public servants with the management of co-operative associations. It will be observed that it has also been decided that the standing orders relating to the connection of Government officers with trading companies do not apply in the case of clerks and other ministerial officers in Government employ.

Despatch to Secretary of State, No. 25, dated 24th April 1883.
Despatch from Secretary of State, No. 73, dated 19th July 1883.

From the Government of India, To Her Majesty's Secretary of State for India, dated Simla, 24th April 1883, No. 25 (Public).

We have the honor to transmit herewith a copy of a letter from certain tradesmen carrying on business at Simla, representing that a co-operative association at that station is managed and directed by covenanted and uncovenanted servants of the Government, and praying, with reference to the existing orders of the Government which prohibit public servants from engaging in the management of companies, that the gentlemen who now take part in the direction and management of the association may be instructed to withdraw from their connection with it. We also transmit a copy of the documents marginally noted, together with a copy of our orders, dated 11th January 1883, (referred to in the first paragraph of the memorialist's letter), ruling that uncovenanted officers are prohibited from becoming members of the board of direction of any bank.

1. Memorandum of Association of "The Simla Co-operative Association, Limited."
2. Articles of Association of "The Simla Co-operative Association, Limited."

2. It will be seen that the "Memorandum of Association" of the Simla Co-operative Association, Limited, declares that "the objects for which the Company is established are for the purpose of carrying on a general mercantile business and supplying shareholders and season ticket-holders of the Association, and the public, if hereafter found desirable, with articles both for consumption and general use at the lowest possible prices, and the doing all such other things as are incidental or conducive to the attainment of the above object." It further appears that shareholders alone are entitled to participate in the profits of the Association. Under the "Articles of Association" a share cannot be transferred without the consent of the Directors, but on the death of a member his shares are transmissible to his executors or administrators, and on his bankruptcy or insolvency to the persons legally entitled thereto. Directors are not to receive any remuneration unless and until the general body of shareholders at a general meeting decide that such remuneration is to be paid; and in any case the remuneration is not to exceed Rs. 20 a month. A reserve fund may be formed, and no greater dividend than 6 per cent per annum upon the paid-up capital is to be declared until the reserve fund reaches a sum equal to one-fourth of the capital of the Association.

3. A perusal of the "Memorandum" and "Articles of Association" by which alone can the legal character of the institution be determined, leads us to the conclusion that this Association must at present be held in law to be a trading company in the ordinary sense of that term, though, we are informed, that it does not, in fact, sell to the general public or to any but registered subscribers.

4. We have reason to believe that similar associations have been formed elsewhere among Railway employés and others; and we are unwilling to do anything to discourage them so long as they

confine their operations to those of mutual supply. It has been suggested that, if the Association at Simla modified its constitution by binding itself formally to restrict its operations to those of a mutual supply association, not to sell goods to outsiders and not at any time to divide among its members profits exceeding a fixed and reasonable rate of interest on the capital advanced, there would be no objection to allowing Government officers to serve on its direction.* This is the view that we are ourselves inclined to take; but, as doubts have been raised as to whether the prohibitions contained in Sir C. Wood's Despatch, No. 46 of the 31st May 1862, and the other standing orders regarding the connection of Government officers with trading companies are in any case intended to apply to associations of this kind and are not rather meant to prevent Government officers from interesting themselves in companies designed to develop the resources of the country, which are necessarily of a mere speculative character, it appears to us desirable to ask for an authoritative expression of the views of Your Lordship on the whole subject.

* From a notice issued by the Directors (copy enclosed) we gather that the change indicated is likely to be made.

5. There appear to us to be sufficient grounds for prohibiting public officers from being concerned in the management of any description of company established for purposes of trade and trade profits, such, for instance, as banks, in regard to which we recently issued the ruling referred to in paragraph 2 of this Despatch; but, as already intimated, we would not interfere with co-operative associations *bonâ fide* conducted as such, which exist only for purposes of mutual supply and not for profit.

6. Another point which has been raised in connection with this case is the question whether the standing orders under consideration apply only to the Gazetted officers of Government of the covenanted and uncovenanted services, or whether they are to be held applicable in the case of clerks and other ministerial officers in Government employ. We think that, looking to the object which the orders had in view, their operation may be held to be confined to the case of Gazetted officers and that in the case of ministerial and other subordinates it is sufficient to see that they give to Government the whole of the time for which they are paid. Government need not ordinarily concern itself with their avocations out of office hours so long as these do not involve them in pecuniary difficulties or disreputable associations; but it should always be at liberty to prohibit such employments for sufficient reason in any particular case.

From Her Majesty's Secretary of State for India, To the Government of India, dated India Office, London, 19th July 1883, No. 73, (Public).

I have considered in Council your letter No. 5, dated 24th April last, transmitting, with connected papers, a copy of a letter which has been addressed to you by certain tradesmen carrying on business at Simla, representing that some covenanted and uncovenanted servants of Government are engaged in the management and direction of a co-operative association, and requesting that they may be directed to withdraw from the Association.

2. Your Lordship considers that the Association as constituted must be held to be a trading company in the ordinary sense of the term. I concur with Your Excellency in this opinion and think that public servants are precluded under existing orders from taking part in the management of such an Association.

3. You further express the opinion that there would be no objection to Government officers engaging in the direction of the Association if it modified its constitution by formally binding itself to restrict its operations to those of a mutual supply association, and not to sell to any save members of the Association, and not at any time to divide among its members profits exceeding a fixed and reasonable rate of interest on the capital advanced. You are doubtful, however, whether the provisions of Charles Wood's Despatch of the 31st May 1862, and other standing orders on the same subject, would apply to connection with an association of this nature, and you request an authoritative expression of my views on the subject.

4. The orders referred to were not intended to apply to the participation of Government officers in the direction of those companies only which are designed to develop the resources of the country, and you have recently very properly ruled that they preclude such officers from taking part in the direction of Banks. But the question of the propriety of allowing public servants to engage in the management of an association for mutual supply turns on a different principle, that namely, of the compatibility of a second employment with the due discharge of the public one which the officer holds. And it appears to

me that the orders were not intended to apply, and ought not to be applied, to associations which are *bonâ fide* for the purpose of mutual supply and not of trade and trade profit. Whilst, however, it is not necessary that public servants should be absolutely prohibited from taking part in an association of this restricted kind, it must be remembered that such extra employment may frequently be prejudicial to the public service on the ground that as a general rule no one can serve two masters; and care should be taken that the interests of the Government do not suffer.

5. I concur with your Excellency in Council in thinking that the standing orders as to the connection of Government officers with trading companies apply to Gazetted officers of Government of the covenanted and uncovenanted services, and do not apply in the case of clerks and other ministerial officers in Government employ. With regard to this class, the supervision of heads of department, will, I trust, always suffice as a check; and moreover Government can at any time prohibit any extra employment which in its opinion it is undesirable that its servants should undertake.

The 30th May 1887.

Camp No. 626.—Under the provisions of Section 6 of the Land Acquisition Act X of 1870, it is hereby notified that the land described in the schedule annexed is required for public purposes, *i. e.* for taking earth for the repairs of the Timmanahalli Tank in the Chiknayakanhalli Taluk, Tumkur District :—

District.	Taluk.	Village.	Name of Occupant.	Description of Land required.					Boundaries.			
				Class.	Survey No.	Extent.	Assessment.		East.	West.	North.	South.
Tumkur.	Chiknayakanhalli.	Siddanakatte.	Nanjappa.	Garden.	9	2	39	29 12 0	Garden No. 4 belonging to Narasa, *bin* Dyamajja.	Bund of Timmanahalli Tank.	Stream.	Dry portion of the above mentioned number.

The 1st June 1887.

No. 33.—It is hereby notified for public information that the undermentioned jodi village, which has been duly attached in satisfaction of the arrears of revenue due to Government (as shown in the subjoined statement) by the said jodidars, will be sold by public auction at the place and on the date mentioned in the annexed statement. The sale will commence at 11 A. M. on the date specified, and the village will be knocked down to the highest bidder without reserve.

2. Provided that when a village is divided into separate recognized vrittis, the Deputy Commissioner may, at his option, instead of selling the village as a whole, sell each vritti separately.

3. The purchaser will be required to deposit 25 per cent of the purchase money at the time of sale, and where the remainder of the purchase money may not be paid within fifteen days from the day of sale, the money so deposited shall be liable to forfeiture.

4. When such deposit shall not be made, nor the remaining purchase money paid up, the lands shall be resold at the expense and risk of the first purchaser.

5. Persons bidding at the sale may be required to state whether they bid on their own account or as agents, and in the latter case to deposit a written authority signed by their principals, otherwise their bids may be rejected.

6. The sale shall be stayed, if the defaulter or any other person acting on his behalf or claiming an interest in the land, tenders the full amount of the arrears of the revenue with the interest and other charges, provided such tender be made before sunset on the day previous to that appointed for the sale.

7. The sale of the property will not become absolute until the sale has been confirmed by the Dewan.

8. Purchasers having completed the payment of the purchase money will, as soon as the sale has been confirmed by the Dewan, be placed in immediate possession and the village will be registered in the name of the purchaser, and a certificate of sale signed and sealed by the Deputy Commissioner will be granted to him. It is to be distinctly understood that the Government are not responsible for errors of description and in estimated extent.

9. Provided parties deeming themselves aggrieved by the sale shall be at liberty to appeal to the Dewan within 30 days from the day of sale, and the purchase shall be conditional on the final order in such appeal.

District.	Taluk.	Hobli.	Village.	Names of Jodidars.	Estimated Extent.			Estimated Gross Rental or Beriz.			Quit-Rent payable annually to Government.			Arrears of Government Revenue for which Village is to be sold.		Date of Sale, &c.
					K.	K.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A. P.	
Hassan.	Hole-Narsipur.	Gubbi.	Jodi Gubbi with its 5 hamlets.	Hebbar Nanjappa and 62 others ...	...	...	...	835	5	6	590	3	4	1,986 with notice fee & interest up to date of sale.	12 10	13th proximo at the Taluk Cutcherry before the Amildar.

The 3rd June 1887.

Camp No. 653.—N. Venkat Rao, Amildar of the Heggaddevankote Taluk, is granted 15 days' leave in extension of that granted him under Notification Camp No. 374 of 10th May 1887.

Camp No. 655.—In continuation of this Office Notification No. 117, dated 15th April 1887, Subba Rao, Sheristadar of the Manjarabad Taluk, is appointed to be in charge of the Belur Taluk and to exercise, under Section 12 of the Code of Criminal Procedure, the powers of a Magistrate of the 3rd class during the absence of Amildar Kesavaiengar on leave or until further orders.

The 4th June 1887.

Camp No. 669.—Mr. S. Ramaswami Iyer, Advocate, is appointed Public Prosecutor, Bangalore, *vice* Mr. Seshagiri Rao appointed Munsiff.

Camp No. 673.—Mr. Syed Nasiruddin, Assistant Commissioner, Bangalore District, is granted privilege leave of absence for 3 months from the 22nd May 1887, or such other date on which he may have availed himself of it.

The 6th June 1887.

Camp No. 715.—P. Srinivasa Rao, Amildar of the Kadur Taluk, is granted privilege leave for one month from such date as he may avail himself of the same.

During the absence of Srinivasa Rao on leave or until further order, Subbanna, Sheristadar, will be in charge of the Kadur Taluk. He is hereby invested with the powers of a Magistrate of the 3rd class.